

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

Protect Our Parks, Inc.; Charlotte Adelman;)	
Maria Valencia and Jeremiah Jurevis;)	No. 18-cv-03424
Plaintiffs,)	
v.)	Honorable John Robert Blakey
)	
Chicago Park District and City of Chicago,)	Jury Demanded
Defendants.)	

**DECLARATION OF MARK ROTH IN SUPPORT OF PLAINTIFFS' SUBMISSION
PURSUANT TO THIS COURT'S
JANUARY 22, 2019 AND JANUARY 31, 2019 ORDERS**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Mark Roth. I am an attorney representing Plaintiffs in this lawsuit.
2. The following facts, demonstrate the existence of questions of fact that would require denial of the Defendants' Rule 12(c) Motion, if converted to a motion for summary judgment:
3. The 2018 Ordinance refers to recommendations and assertions of a study from the University of Chicago ("UofC") in reliance upon the placement of the OPC in Jackson Park. The study from UofC discussed three sites for the location of the OPC: Washington Park, Woodlawn (Jackson Park), and the South Shore Cultural Center. Attached hereto as Exhibit 1 to this Declaration is a true and correct copy of "A Place of Possibility: The Response to the Request for Proposal," discussing the three locations for the OPC suggested by UofC.
4. UofC engaged Anderson Economic Group ("AEG") to conduct a review of the potential economic impact of the Presidential Center at each of the three locations proposed by UofC. Exhibit 1, at pages 112, 119, 131, 147 and 194.
5. UofC actually recommended the Washington Park site, *not* Jackson Park, as the best location for the OPC, because of Washington Park's greater potential for a positive economic impact on the City, and because the OPC could locate on the Washington Park site without occupying Park District land. Exhibit 1, at page 53.
6. UofC's findings opined that: "The Washington Park Site pairs the greatest need with the greatest opportunity." Exhibit 1, at page 53.
7. UofC's findings concluded that "Unlike the other two proposed sites, which are situated entirely within the City's park system, the Washington Park site includes a portion of land on the city grid owned by the University of Chicago, and the Chicago Transit Authority. This provides

an opportunity for the Foundation to develop the Presidential Center without occupying Park District land.” Exhibit 1, at page 53.

8. UofC found, based on the economic analysis by AEG: “Of all the proposed sites, the Washington Park neighborhood is the one with the greatest potential for economic development and growth.” Exhibit 1, at page 113.

9. UofC findings noted that:

The (Washington Park site) neighborhood has nearly 270 acres of vacant land and limited existing retail, recreational, and food amenities. The influx of new demand from Presidential Center visitors and the affordability of local properties could spur a significant amount of development near the site to the scale of up to 2,000 new residences and 1.5 million square feet of commercial and community development potential. With no nearby hotel or accommodations currently available for visitors to the Presidential Center, the demand could support a new hotel.

The Presidential Center’s presence, the revitalization efforts on Garfield Boulevard by the University and other partners, and targeted investments by the City of Chicago could drive the creation of new businesses around arts and culture, including performance and gallery spaces, eclectic restaurants, and new retail outlets. In addition to the commercial development, Garfield Boulevard could accommodate several new community nonprofits, a creative incubator space to support the further development of cultural entrepreneurs, enhanced recreational facilities, and a hotel and conference center, dramatically increasing the number of people who work in the area. Most of this development could take place along Garfield Boulevard and Dr. Martin Luther King Jr. Drive. Residential programs led by the city could expand housing in the area and bring new residents to the neighborhood. The Presidential Center’s presence will also help the City direct and target much-needed infrastructure improvements in the area, including redesigned CTA “L” line stations, revived streetscapes, park improvements, and a potential new Metra station, further expanding the neighborhood’s capacity for economic development.

Because the Washington Park neighborhood has experienced such a large decline in population in recent years, the negative impacts of development are likely to be minimal. With significant vacant land throughout the neighborhood, economic development in the region is unlikely to displace local residents.

Exhibit 1, at page 113.

9. UofC's findings recognized that the Washington Park Site was the only proposed site that is “connected to a CTA train and a bus hub, and Garfield Boulevard with provides access to the Dan Ryan Expressway, less than a mile away.” Attached hereto as Exhibit 2 is a true and correct copy of the document entitled “A Place of Possibility A Vision for the Barack Obama

Presidential Library on the South Side of Chicago” at page 59. This document was produced by UofC pursuant to a subpoena in this case.

10. UofC’s study on the three proposed locations for the OPC states:

Transforming Washington Park

The Washington Park site pairs the greatest need with the greatest opportunity, creating the potential for true transformation. Washington Park is the least developed among the sites proposed. Within half a mile of the site, scattered businesses provide 1,400 jobs, though the retail, recreation, and food service industries are all small in the area. No hotels or other forms of accommodation are within one mile of the site.

Yet, of all the sites, this is the only one connected to a CTA train and bus hub, and Garfield Boulevard, which provides access to the Dan Ryan Expressway, less than a mile away. This combination of private and public transportation routes makes the site the most accessible of the three. A Library at this location offers the opportunity to remake Garfield Boulevard and Dr. Martin Luther King Jr. Drive into the grand thoroughfares they once were.

Additionally, the site is linked to nearby cultural institutions, including the DuSable Museum of African American History, the George Washington Memorial, and the University of Chicago’s Arts Block, where mentoring and community development programming will promote local growth and vibrancy. Washington Park itself receives a million and a half visitors on a single day for the Bud Billiken Parade every year.

As a result of this blend of under-resourcing and strong potential, of all the sites, Washington Park would best accommodate the new businesses that would be in demand if the Barack Obama Presidential Library were built in the heart of the South Side. A well-planned development strategy would transform the neighborhood, providing jobs, enhanced infrastructure, and educational opportunities for youth.

Exhibit 2, at page 59.

11. The AEG study commissioned by UofC found:

Given the influx of new demand that would occur if the Obama Library were built at this location (Washington Park) and the affordability of local properties, we would expect to see a significant amount of development occur near this site if the presidential library were to locate here. We expect that the City of Chicago would make infrastructure improvements near the Obama Library, as well, which are sorely needed in this area. Of all the proposed sites, this one would most amenablely accommodate *new* businesses and investment that might come in to the area due to the presence of a presidential library.

Attached hereto as Exhibit 3 is a true and correct copy of the “The Economic Impact of the Barack Obama Presidential Library in Chicago,” at page 11. This document was produced by the Defendants pursuant to this Court’s order.

12. The AEG study commissioned by UofC found the following with respect to the Woodlawn (Jackson Park) location:

There is not a current base of industry in place that would serve the demand of visitors to Jackson Park within half a mile of the proposed location. There is some room for growth, but a lot of the nearby land is taken up by public parks or large institutions and developments. We would expect to see development in the area similar to what might occur near Washington Park to meet more local demand from tourism, but this would be somewhat more constrained since there is already a lot of residential and publicly owned property in the region.

Exhibit 3, at page 12-13.

13. Jackson Park is subject to a restriction that Jackson Park “shall be held, managed and controlled by them and their successors, as a public park, for the recreation, health and benefit of the public, and free to all persons forever.” [Dkt. No. 65, page 3.]

14. There are numerous other locations that are suitable for the location of the OPC with significant and real benefits, as set forth in the same U of C study that is cited by the Ordinance.

15. There is no other situation where a brand-new institution in a new building and a new campus has been situated in a historic Chicago park. The settings and context for eleven Museums in Chicago Parks were all very different from that being proposed for the OPC. The museums in the park utilized reclaimed historic buildings, or were constructed on sites of previously existing buildings that became available, or were constructed on former railyards or empty non-parkland or former cemetery locations. *See* Declaration of Ward Miller, Exhibit 4 hereto.

16. Section 8 of the Environmental Remediation and Indemnification Agreement (“Environmental Agreement”) provides that the City of Chicago is using taxpayer dollars now to reimburse the Foundation for environmental costs that the Foundation previously incurred related to the OPC Site. [Dkt. No. 49-6, pages 105-06]

17. Section 8 of the Environmental Agreement provides that the City will pay for all environmental remediation costs related to building the OPC. [Dkt. No. 49-6, page 105-06]

18. The Jackson Park Site contains potential environmental contamination. A Phase I environmental report states that the Jackson Park Service Yard, which is owned by the Park District and is immediately south of the Jackson Park Site, had two leaking underground storage tanks. A true and correct copy of the “A Place of Possibility Appendices for the Response to the Request for Proposal” is attached hereto as Exhibit 5, (at page 20). This document was

produced by UofC pursuant to a subpoena in this case. Further, the Phase I environmental report identified numerous potentially contaminated sites within a one-quarter mile of the Jackson Park Site. Exhibit 5 at page 204.

19. The City has undertaken to pay for permanent road alterations and changes to the Midway Plaisance and other roads in the location of the planned OPC in conjunction with the construction of the OPC, pursuant to Section 4.14 of the Use Agreement. [Dkt. No. 49-6, pages 31-32].

20. Plaintiff, Maria Valencia, is a resident of the City of Chicago, and pays City of Chicago taxes. See, Declaration of Valencia Exhibit 6.

21. Plaintiff, Maria Valencia, objects to using City of Chicago tax dollars to fund the OPC, and objects to funding alterations necessitated by the OPC.

22. Plaintiff, Maria Valencia, objects to the City of Chicago using tax dollars to fund the OPC while President Obama endorses political candidates and Democratic party causes.

23. Plaintiff, Protect our Parks, through its President, Herbert Caplan, has submitted a Declaration, a copy of which is attached as Exhibit 7. As set forth in Caplan's Declaration, the membership of Protect Our Parks consists of Chicago residents and taxpayers who have a dedicated interest in preserving, protecting, and advancing the Chicago public park system and have engaged in legal action to insure the continued availability of open, clear and free public parks as a retreat and place of recreation available for themselves, their families, friends, neighbors, and fellow Chicago citizens and taxpayers, and as an established attraction for visitors to the city. The membership of Protect Our Parks includes men and women of all ages, all races, and a variety of ethnic backgrounds and political affiliations, all who have joined in making contributions to support the pending lawsuit. In addition to the basic objection to the taking of dedicated public park land in historic landmarked Jackson Park for the 99-year benefit and use of a private party, the membership of Protect Our Parks is also opposed and objects to the use of their public tax payments to facilitate construction of a facility with a 235-foot tower in the public park and the unambiguous purpose of continuing to promote and advance a personal political agenda with which they may disagree.

24. Former President Obama has, and will continue to, advance certain political causes and candidates in the Democratic Party. Paragraph 116 of Plaintiffs' Complaint and Defendants' Answer. [Dkt. No. 1, page 31. Dkt. No. 38, page 67.]

25. The Obama Foundation is "an academic institute to enhance the pursuit of the [former] President's initiatives beyond 2017". (Emphasis added) [Dkt. No. 1, page 31. Dkt. No. 38, page 67.]

26. The City of Chicago Law Department drafted the amendment to the Museum Act for the purpose of allowing the Foundation to locate the OPC in Jackson Park. [Dkt. No. 1, page 5. Dkt. No. 38, page 15.]

27. The Use Agreement between the City of Chicago and the Foundation is not a lease. Page 31 of the City's Memorandum in Support of its rule 12(c) Motion. [Dkt. No. 49-1, page 37]

28. The City of Chicago's Corporation Counsel, Stephen Patton, admits that the City of Chicago's Law Department drafted the amendment to the Museum Act for the purpose of allowing the Foundation to locate the OPC in Jackson Park. [Dkt. No. 1, page 5. Dkt. No. 38, page 15.]

29. I declare under penalty of perjury, that the foregoing is true and correct.

Executed on this 5th day of February, 2019

/s/ Mark Roth

Mark Roth